



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma Ahluwalia
Director

COMMISSION ON JUVENILE JUSTICE
Retreat Meeting Minutes
February 20, 2016

CITIZEN MEMBERS PRESENT: Shezhad Akhtar, Maria Blaeuer Carole Brown, Bonnie DeWitt, Chris Fogleman (Vice-Chair), Karen Frances, Stacey Gurian-Sherman, Barbara Holtz, Mehul Madia, Julie Malloy, Jessica Markham, Perry Paylor, Wendy Pulliam, Carlean Ponder (Chair), Erin Penn, Jessica Wilcox, and Tisha Wiley.

AGENCY MEMBERS PRESENT: Amy Bills, Francha Davis, Susan Farag, Captain Jim Humphries, Mary Siegfried, Michael Subin and Ira Thomas

ABSENT MEMBERS: Frank Duncan, Mike Gruenberg, Risa Mainprize, Roberta Pieczenik and Elijah Wheeler

STAFF LIAISON PRESENT: Diane Lininger

EMERITUS MEMBERS:

GUESTS: Karyn Gross and Marji Josh

Commission on Juvenile Justice

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facsimile

- I. Introductions – Carlean Ponder, Chair
 - A. Of all members
 - B. Ex-Officio/Agency Members – Discussed their job and how it relates to the Commission on Juvenile Justice
- II. Government and Community Relations Committee
 - A. Discussion of pending legislation

HB261 – Requiring a juvenile court to consider specified factors in determining an appropriate disposition on a petition alleging that a child is a delinquent child

HB0266(SB0498) – Repealing the jurisdiction of the juvenile court over a child at least 14 years old alleged to have done specified acts and over a child at least 16 years old alleged to have committed specified crimes. (Very similar to HB0304)

HB0304(SB0243)-Repealing provisions of law that exclude from the jurisdiction of the juvenile court a child of a specified age alleged to have committed specified offenses; repealing provisions of law governing the transfer of specified criminal cases to the juvenile court This bill provides an exception if the child had already been found guilty of a felony and commits a second felony, that child would remain in the adult system.

The Commission took a vote on whether or not they supported having juveniles start in juvenile court. The vote yielded a two thirds decision that the Commission supports the bills' policy that juveniles are best served starting in the juvenile justice system rather than the adult system. A letter was written and a motion made and seconded to send the letter to the General Assembly. The letter explicates the belief that youth in the juvenile justice system are best served after a juvenile court judge exercises his or her discretion after having heard from all interested persons including the State, the child's Advocate, and any person affected by the juvenile's conduct.

SB0081- Repealing the June 30,2016 termination date of provisions of law authorizing the Department of Juvenile Services to transfer a child committed to residential placement from one facility to another facility under specified circumstances. Hasn't been brought to committee yet.

A vote was taken by the Commission as to whether or not to support this bill. The Commission voted unanimously to not support the bill. A letter was written and a motion made and seconded to send the letter to the General Assembly. The letter highlighted the problem of children being moved without their parents, defense attorney, State's attorney's, the court's knowledge or ability to weigh in on the appropriateness of that move.

III. Care, Custody and Placement Committee

- A. Liaison to the Thomas Edison High school of Technology – Diane Lininger spoke with Karen Wilson, Community and Outreach Coordinator of Thomas Edison, to let her know of the Commission's support and interest in having a liaison to Thomas Edison High school for technology. If any of the commissioners are interested in becoming the liaison, please let Diane know and we will vote on the person at the March meeting.
- B. Vote on Letter supporting PPW's asking General Assembly to study Truancy in Maryland. The majority of the Commission supported the sending of the letter.
- C. Recognizing the Importance of the Developmental Approach to Juvenile Justice Reform – Karen Francis and Marji Josh.
Information from the National Research Council under the auspices of the OJJDP was reviewed. That group produced two documents which are available for free: Reforming Juvenile Justice: A Developmental Approach (2013) and Implementing Juvenile Justice Reform: The Federal Role (2014). These documents highlight the shift from a corrections-oriented approach of the 1980's and 1990's to one which takes into account adolescent development as well as trauma-informed care when developing and implementing a juvenile justice system. The OJJDP guiding philosophies include: that the goals of the juvenile justice system include being fair, holding youth accountable for their offenses, and the prevention of recidivism. Incorporate research which highlights the significant differences between adult and adolescent decision making. Align the goals of the juvenile justice system with research on adolescent development such as holding youth accountable by a process perceived as fair fosters moral development and legal socialization. That sanctions delivered by a process perceived as unfair increases negative outcomes. That a punitive focus doesn't reduce re-offending or foster pro-social development. A developmental approach focuses on: helping youth avoid formal legal involvement unless necessary to ensure accountability or protect public safety; to keep youths in their communities and connected family; providing the services and interventions needed to support the pro-social development of youth (Positive Youth Development). Hallmarks of the Developmental Approach to Juvenile Justice: 1) Accountability without criminalization; 2) Alternatives to Justice System Involvement; 3) Individualized response based on assessment of needs and risks; 4) confinements only when necessary for public safety; 5) genuine commitment to fairness; 6) sensitivity to disparate treatment; 7) family engagement

How Maryland has tried to address these recommendations of a developmental approach: Information from Juvenile Justice Monitoring Unit-

- 1) Diverting youth from incarceration- Maryland has tried to decrease incarcerated youth population. Maryland decreased by 12% the numbers of incarcerated youth by partnering with Annie E.0020 Casey Foundation, especially in Baltimore to create community-based diversion programming. Implemented a standardized risk assessment; reduced amount of time a youth is in detention without receiving appropriate services. Why have the rates of commitment have not been dropping even though the number of complaints have been dropping? One third of the incarcerated youth was being incarcerated for probation violations even though they were deemed low risk. Sometimes kids do better with less services (the scrutiny and rules of probation sometimes lead to more rebellion/acting out).
- 2) Trauma informed care- the majority of kids in the juvenile justice system have been exposed to trauma. Trauma informed care means having a program to address symptoms related to trauma – not what is wrong with you but what happened to you. Evidence based screening instruments vs evidence based assessment instruments to look at trauma- The Monitoring Unit suggests that DJS staff be trained on these instruments. Ideally all kids who enter the DJS system should have an evidence-based screening. Shackling and strip searching is also traumatizing. Maryland DJS does indiscriminate shackling and shackling in court has been banned. Strip searches take place any time a child meets with their family and lawyer. Marji Josh, JJMU, says a child told her he told his mom not to visit so he doesn't have to be strip searched again. There is a report that this practice has increased in recent times. In other states, they do not completely strip the child such as in New York a child wears a robe.
- 3) Family engagement – Marji reported that the Monitoring Unit says this needs to be increased and Secretary Abed agrees. Youth are only allowed 2, ten-minute phone calls per week. Visits are limited to a two hours a day a few days a week, no more than 2 people and the people must be over 16 and they must be related. This means non-family members who may have a positive relationship with the youth can't visit. Family therapy is not a part of the treatment in residential facilities. It is in community based treatment.
- 4) Disparate treatment- In MD, girls are pushed more deeply into the system due to a lack of a continuum of placements for girls. 83% of girls committed to facilities for minor charges. They are calling for more community-based programming which addresses the fact that girls have higher mental health needs and minor charges.

D. Dr. Ira Thomas, Ex-Officio Montgomery County Public Schools – discussed his position in the school system and give a synopsis of changes at MCPS, and what he would like to see happen in the future. He heads the Alternative Education Program. While students are no longer expelled, students who are suspended can be placed in an alternative setting. There is a 45-day placement which takes them out of their home school. They can be placed there after one significant incident and placed with other students who have committed much more serious offenses at school. The goal of the program is help students become independent learners. The students placed here are this year are 72% male and 90% Black/Hispanic. It's often

recommended to parents of kids coming out of residential juvenile facilities to send them to the 45-day placement as the easiest way to continue earning credits. There are many therapeutic issues. There are professional mediators to handle kids who have been fighting. The program is also partnered with other mental health programs but often families turn them down. A grant from MSDE provides social workers to address attendance. That grant has been reduced in the last few years. They have applied to be part of a pilot program for Restorative Justice.

II. 2:30- 4:00 Strategic Goals and Commissioners Feedback – Chris Fogleman and Maria Blaeuer

A. Feedback and Goals that were given

1. Commission should look at if Department of Juvenile Services is reporting sex abuse and physical abuse to Child Protective services – Captain Humphries stated that he would talk to Frank Duncan, Department of Juvenile Services to find out if DJS was following protocols regarding reporting neglect and abuse
2. Have a graduate of the Juvenile system come to talk to the Commission about their experience. Julie Malloy – passed around a sign-up sheet to start an ad-hoc committee.
3. Send a letter to the County executive and County council asking if they would be willing to fund the contracts that were cut from DJS because they were county contracts, i.e. Amen, Lead4life. Carlean will write the letter and Mike Subin, County Executive's office will present the letter to Chuck Short who is the special assistant to the County executive.
4. Visit Ira Thomas's Alternative education program
5. Possibility of setting up a trauma informed care panel
6. Bonnie suggested having a monthly email system where the commissioners could be informed about events or involvement with youth programs.

III. Meeting Adjourned

V. **The Meeting adjourned at 4:00pm.**